



Homeland Security

Testimony

of

Jim Williams

Director

US-VISIT

Carol DiBattiste

Deputy Administrator

Transportation Security Administration

Deborah Spero

Deputy Commissioner

U.S. Customs and Border Protection

Before the

House Committee on Homeland Security

Subcommittee on Economic Security, Infrastructure Protection, and
Cybersecurity

A Hearing Regarding

“The Proposed Fiscal Year 2006 Budget: Enhancing Border and Port
Security through the creation of an Office of Screening Coordination
and Operations”

Wednesday, March 2, 2005

2325 Rayburn House Office Building

2:00 p.m.

Introduction

Chairman Lungren, Ranking Member Sanchez, and distinguished Members of the Subcommittee. Thank you for this opportunity to share with you information about how the Department of Homeland Security (DHS) will enhance immigration and border management, transportation security, critical infrastructure protection and the delivery of other benefits through the establishment of an Office of Screening Coordination and Operations (SCO).

As you all well know, the Department was created to integrate security activities across the Federal government more effectively, thereby enhancing security for the American people in a manner that preserves our freedoms. Consistent with the purpose of DHS, the Administration is creating the SCO to focus on coordination of screening processes and procedures for people, cargo, conveyances, and other entities and objects that pose a threat to homeland security.

Secretary Chertoff, who was confirmed recently, has been briefed and has endorsed the concept of the SCO. As the Committee may know, he is currently undertaking a review of the major policy and operational issues facing the Department; therefore, following this review, he will determine how the SCO and other Department initiatives will move forward.

Background

As a result of the attacks of September 11, various statutory requirements and assessed security needs, the Department has instituted a number of layered security measures, including screening processes. Many of these screening processes require interoperability among systems within DHS and across the Federal government.

One example of this type of security measure using screening is the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program. This program adds biometrics to the screening process and allows the Department of State visa issuance officials to check foreign visa applicants against terrorist and criminal databases as well as other relevant data resources

before a visa may be issued. Once the approved applicant arrives at the U.S. border, his or her passport and biometrics and biographic data are matched by a Customs and Border Protection (CBP) Officer, using the US-VISIT system, to ensure that the person presenting the document is the same applicant who received a visa and rechecked against the watchlists. The CBP Officer determines whether the person should be admitted into the United States or not. In addition, visitors traveling under the Visa Waiver Program are also enrolled in US-VISIT. Through US-VISIT, DHS is apprehending criminals and denying admission to other persons who have attempted to enter the United States illegally.

One of the significant achievements of US-VISIT is that privacy protections have been embedded into the operational architecture of the program. US-VISIT is staffed with a dedicated Privacy Officer who is directly involved in the development and review of all US-VISIT functions. The Privacy Officer reports both to US-VISIT management and to the DHS Chief Privacy Officer. Through this management approach, US-VISIT has been successful in identifying the potential privacy impact of new program functions, resolving issues as they arise, and making US-VISIT operations transparent to the public.

Since the tragic attacks of 9/11, the U.S. has taken many significant actions to enhance our homeland security (the enactment of the USA PATRIOT Act, the creation of the Transportation Security Administration, the Department of Homeland Security, and the implementation of US-VISIT). The 9/11 Commission report reaffirmed the importance of screening processes such as US-VISIT and called for better integration and improvement of terrorist-related processes. In addition, Homeland Security Presidential Directive-11 (HSPD 11), issued on August 27, 2004, directed DHS, in coordination with other Federal agencies, to “enhance terrorist-related screening through comprehensive, coordinated procedures ... in a manner that safeguards legal rights, including freedoms, civil liberties, and information privacy guaranteed by Federal law.”

The establishment of the SCO within DHS is key step to build upon the broad range of existing government and private sector security initiatives that will result in a comprehensive, coordinated and integrated screening environment.

Mission

SCO will enhance the interdiction of terrorists and the instruments of terrorism by streamlining and strengthening terrorist-related screening through comprehensive coordination of procedures that detect, identify, track, and interdict people, cargo and conveyances, and other entities and objects that pose a threat to homeland security. The mission, of course, must safeguard legal rights, including freedoms, civil liberties, and information privacy guaranteed by Federal law.

By establishing the SCO, DHS will work to obtain a seamless set of systems, data, processes, and procedures coordinated with other federal agencies that would achieve many benefits: deny access to the United States, our transportation systems, critical infrastructure, and other benefits to people, cargo, and conveyances, and other entities and objects that pose a threat to homeland security; facilitate the expedited and efficient movement of people, cargo, and conveyances, leading ultimately to a better experience for travelers, shippers and anyone else who engages with our screening programs; promote better public awareness of and compliance with screening programs; create more operational efficiency through integration and the elimination of duplicative efforts across the government; ensure the integrity of the screening systems, and; protect personal and institutional privacy and other rights and freedoms that are essential to our way of life.

The streamlining and integration of these programs by the SCO will result in greater accuracy in screening and provide for consistent policies and training on the protection of civil liberties and privacy.

Another critical element of effective screening is effective information sharing and collaboration. The SCO will work closely with DHS' Information Sharing and Collaboration Office (ISCO) to coordinate intra-agency information sharing and collaboration requirements related to screening efforts as these are identified. The ISCO is located within DHS' Information Analysis and Infrastructure Protection Directorate.

SCO Organization

As proposed in the President's fiscal year 2006 budget request, the SCO would integrate program management of the following DHS screening activities:

- US-VISIT (United States Visitor and Immigrant Status Indicator Technology (US-VISIT))
- Secure Flight domestic passenger prescreening (TSA)
- International Flight Crew Vetting (TSA)
- Free and Secure Trade (FAST -driver registration only) (CBP)
- Nexus/SENTRI (CBP)
- Transportation Worker Identification Credential (TWIC) (TSA)
- Registered Traveler (TSA)
- Hazardous Materials Commercial Driver Background Checks (TSA)
- Alien Flight Student Background Checks (TSA)

The first phase of the SCO will integrate screening processes that focus on people.

While the Secretary has endorsed the SCO concept, there are many critical details still to be determined. For that reason, the Secretary is currently undertaking a full review of this proposal, including such issues as: the appropriate structure for the SCO; its relationship to operational entities; and the migration plan to smoothly transition for FY06. The Department recognizes the Congressional interest and oversight responsibility in this area, and, once the review is completed, will share and discuss further how the SCO is implemented. While work is ongoing, progress on the screening programs that have already been initiated will, of course, move forward.

A key element of the success of the SCO is contained in the FY 2006 request for Screening Administration and Operations. The FY 2006 request includes \$526 million and 192 FTEs in direct appropriations, and \$322 million and 63 FTEs in fee funded authority. Specifically, in the direct appropriations, the request includes an increase of \$50.2 million for the US-VISIT program, \$49.4 million for the Secure Flight and crew vetting programs, and \$20 million for

Screening Administration and Operations. Included in this \$20 million dollar line item is \$6 million for 32 full-time equivalents (FTEs) who would be responsible for the delivery of this \$847 million enterprise, because within the SCO, a cadre of experts will be needed to provide leadership and management for the effective and efficient integration of screening activities. In the fee funded accounts, the request includes authority to collect and expend \$244.7 million for the TWIC, \$22.5 million for Registered Traveler, \$44.2 million for Hazardous Materials Truck Driver checks, and \$10 million for Alien Flight School background checks.

And now, we would like to provide the Committee with an update on some of the key programs proposed in the President's budget for inclusion in the SCO.

US-VISIT

In January of 2004, US-VISIT was successfully implemented at all 115 U.S. international airports and 14 seaports. In December of 2004, US-VISIT technology was expanded to the nation's 50 busiest land border crossings. Since its been in operation, more than 450 people with records of criminal or immigration violations have been prevented from entering the United States.

US-VISIT intends to institute additional functional capabilities at the land borders, in particular radio frequency technology. In FY 2005, US-VISIT will pilot this enhanced technology at various land border sites. This will provide US-VISIT with the information necessary to develop detailed plans and technical and infrastructure costs to determine the number of locations where entry/exit lanes and accompanying procedures can be implemented in FY 2006.

US-VISIT is also working on the vision for the 21st century immigration and border management system. Through this initiative, US-VISIT will provide a new information module to field offices and agents – enabling them to see relevant and timely data from all partnering agencies about a person, not just about a single transaction. This investment will ensure that DHS and Department of State officers have comprehensive, accurate, relevant, and timely information in a single electronic view of a traveler (e.g., dates of previous entries and exits, watchlist, current immigration status, and immigration benefit status). This module will assist in identification of

potential terrorists offshore, before they board an airplane, bus, cruise ship, car, or cargo vessel to travel the United States or when they change their status. It will provide a comprehensive mechanism for name vetting of visa applicants to DOS and DHS that provides the basis for the human element involved in the visa issuance process.

The SCO should leverage the strong foundation of screening processes developed and fielded by US-VISIT, such as its work with biometric standards, and multi-agency application processes, by applying those fundamentals to other screening activities.

Secure Flight

On August 26, 2004, the Secretary announced that DHS would pursue a new domestic pre-screening program called *Secure Flight*. This program will be piloted with two carriers in August 2005. Like US-VISIT, TSA's *Secure Flight* program would also transfer to the proposed SCO. The *Secure Flight* program would address the 9/11 Commission recommendations regarding use of watch lists, and would reflect recommendations received from Congress, the privacy and civil liberties communities, the aviation community, airline travelers and DHS's international partners.

Secure Flight will shift the responsibility for checking passengers against terrorist watchlists from domestic and foreign air carriers to the Federal Government. This will improve the consistency of and response to watch list comparisons. Domestic flight passenger name record (PNR) information will be compared against records contained in the Terrorist Screening Center Database (TSDB). *Secure Flight* will significantly improve the Federal government's ability to prevent terrorists from boarding aircraft, help move passengers through airport screening more quickly, and reduce the number of individuals selected for secondary screening, while fully protecting passengers' privacy and civil liberties.

Consolidating these checks within the Federal government will allow the automation of most watchlist comparisons; apply more consistent internal analytical procedures where automated resolution of initial "hits" is not possible. It will allow for more consistent response procedures

at airports for those passengers identified as potential matches. Consistent procedures will also help to enhance privacy and civil liberties protections. Significant progress has already been made by the U.S. government by providing greatly expanded No-Fly and Selectee lists to airlines to conduct checks on their own systems.

As proposed in the President's budget, international passenger pre-screening would continue to be conducted by U.S. Customs and Border Protection (CBP) through its Advanced Passenger Information System (APIS) and Passenger Name Record (PNR) authority. The *Secure Flight* program would be coordinated with APIS to the extent that integrated systems would be shared. This would ensure that both domestic and international prescreening is consistent and equally effective.

Secure Flight will support the Department's goals of improving the security and safety of travelers on domestic flights, reducing passenger airport screening time, and protecting privacy and civil liberties. Secure Flight will protect the civil liberties and privacy of passengers and will include mechanisms to assist passengers with resolving instances in which they believe they have been unfairly or incorrectly selected for additional screening.

Crew Vetting

Crew vetting is a TSA program that uses computerized vetting, to assess potential threats presented by terrorists posing as cleared cockpit and cabin crew on inbound and outbound international flights. Crew vetting is the evaluation and analysis of airline crew lists against watch list and lost/stolen passport lists. This analysis allows intelligence analysts to evaluate the collected data to determine whether or not any crewmember is a potential threat to the aviation system.

Aviation crew manifests are received 24 hours in advance of take-off, or two hours in the event of a crew change. This information is provided directly from the airlines. The program is building a continuous "Opt In" database known as the Master Crew List, which will serve as a first database check as each airline submits Flight Crew manifests.

The Crew Vetting Program allows DHS to mitigate risk by vetting airline crewmembers against the same terrorism-related information used for passengers.

The SCO should leverage the strong foundation of screening processes developed within Secure Flight and Crew Vetting, such as establishing watchlist checks on airline passengers and personnel, and apply those sound practices to other screening activities.

The Importance of Privacy Protection

Screening by its very nature requires the gathering and analyzing of large amounts of information, a significant portion of which is personally identifying. It is therefore important that consistent rules be put in place for the respectful handling of this information. The individual programs that will be coordinated through the SCO either have been or will be examined for their impact on privacy to the extent required by law. Completed privacy impact assessments are available for review on the DHS Privacy Office website at www.dhs.gov/privacy. Through improved management of the screening process and alignment of these programs under the SCO umbrella, DHS can deliver enhanced security with improved privacy protections.

In coordination with an appointed Privacy Officer and the DHS Chief Privacy Officer, the SCO would be able to ensure that appropriate and consistent privacy protections are instituted for these consolidated screening activities, that DHS personnel are adequately trained in the need to handle personally identifiable information in a sensitive manner, that compliance with statutory privacy requirements is enforced, and that consistent redress is developed to handle complaints about the use of screening information. The Office of Screening Coordination, in fact, offers DHS the opportunity to further its strategic plan to “defend America while protecting the freedoms that define America.”

Conclusion

The Office of Screening Coordination and Operations is an expression of the longer-term vision we have outlined. It is a significant step along the way to achieving, as our vision statement says:

“a future state in which cross-border travel and in-country immigration activities are simple and convenient for eligible, low-risk persons, and virtually impossible for those who seek to do harm or violate U.S. laws.

“...a state in which decision-makers have complete access to the information they need, when and where they need it, to make the best, most informed decision every time.

“[and]...an environment where technology is used to address the challenges posed by volume, speed, and distance and where best practices from across the Government and private sector are shared and leveraged.”

Thank you for the opportunity to share information on the establishment of the Office of Screening Coordination and Operations.